

SENATE BILL

No. 8

Introduced by Senator Ashburn

May 19, 2005

An act to amend Sections 3517.6 and 3517.61 of the Government Code, relating to employment relations.

LEGISLATIVE COUNSEL'S DIGEST

SB 8, as introduced, Ashburn. State employment relations: MOU addenda.

Existing law provides that in any case where specified provisions of existing law are in conflict with the provisions of a memorandum of understanding entered into by the state and a recognized employee organization, the memorandum of understanding shall be controlling without further legislative action.

This bill would provide that a side letter, appendix, or other addendum to a properly ratified memorandum of understanding that requires the expenditure of funds may not become effective unless approved by the Legislature in the annual Budget Act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3517.6 of the Government Code is
2 amended to read:
3 3517.6. (a) (1) In any case where the provisions of Section
4 70031 of the Education Code, or subdivision (i) of Section 3513,
5 or Section 14876, 18714, 19080.5, 19100, 19143, 19261,
6 19818.16, 19819.1, 19820, 19822, 19824, 19826, 19827, 19828,

1 19829, 19830, 19831, 19832, 19833, 19834, 19835, 19836,
2 19837, 19838, 19839, 19840, 19841, 19842, 19843, 19844,
3 19845, 19846, 19847, 19848, 19849, 19849.1, 19849.4, 19850.1,
4 19850.2, 19850.3, 19850.4, 19850.5, 19850.6, 19851, 19853,
5 19854, 19856, 19856.1, 19858.1, 19858.2, 19859, 19860, 19861,
6 19862, 19862.1, 19863, 19863.1, 19864, 19866, 19869, 19870,
7 19871, 19871.1, 19872, 19873, 19874, 19875, 19876, 19877,
8 19877.1, 19878, 19879, 19880, 19880.1, 19881, 19882, 19883,
9 19884, 19885, 19887, 19887.1, 19887.2, 19888, 19990, 19991,
10 19991.1, 19991.2, 19991.3, 19991.4, 19991.5, 19991.6, 19991.7,
11 19992, 19992.1, 19992.2, 19992.3, 19992.4, 19993, 19994.1,
12 19994.2, 19994.3, 19994.4, 19995, 19995.1, 19995.2, 19995.3,
13 19996.1, 19996.2, 19998, 19998.1, 20796, 21600, 21602, 21604,
14 21605, 22870, 22871, or 22890 are in conflict with the provisions
15 of a memorandum of understanding, the memorandum of
16 understanding shall be controlling without further legislative
17 action.

18 (2) Notwithstanding paragraph (1), this paragraph shall apply
19 only to state employees in State Bargaining Unit 5. In any case
20 where the provisions of Section 70031 of the Education Code, or
21 subdivision (i) of Section 3513, or Section 14876, 18714,
22 19080.5, 19100, 19143, 19261, 19576.1, 19818.16, 19819.1,
23 19820, 19822, 19824, 19826, 19827, 19828, 19829, 19830,
24 19831, 19832, 19833, 19834, 19835, 19836, 19837, 19838,
25 19839, 19840, 19841, 19842, 19843, 19844, 19845, 19846,
26 19847, 19848, 19849, 19849.1, 19849.4, 19850.1, 19850.2,
27 19850.3, 19850.4, 19850.5, 19850.6, 19851, 19853, 19854,
28 19856, 19856.1, 19858.1, 19858.2, 19859, 19860, 19861, 19862,
29 19862.1, 19863, 19863.1, 19864, 19866, 19869, 19870, 19871,
30 19871.1, 19872, 19873, 19874, 19875, 19876, 19877, 19877.1,
31 19878, 19879, 19880, 19880.1, 19881, 19882, 19883, 19884,
32 19885, 19887, 19887.1, 19887.2, 19888, 19990, 19991, 19991.1,
33 19991.2, 19991.3, 19991.4, 19991.5, 19991.6, 19991.7, 19992,
34 19992.1, 19992.2, 19992.3, 19992.4, 19993, 19994.1, 19994.2,
35 19994.3, 19994.4, 19995, 19995.1, 19995.2, 19995.3, 19996.1,
36 19996.2, 19998, 19998.1, 20796, 21600, 21602, 21604, 21605,
37 22870, 22871, or 22890 are in conflict with the provisions of a
38 memorandum of understanding, the memorandum of
39 understanding shall be controlling without further legislative
40 action.

1 (3) Notwithstanding paragraph (1), this paragraph shall apply
2 only to state employees in State Bargaining Unit 8. In any case
3 where the provisions of Section 70031 of the Education Code, or
4 subdivision (i) of Section 3513, or Section 14876, 18714,
5 19080.5, 19100, 19143, 19261, 19574, 19574.1, 19574.2, 19575,
6 19576.1, 19578, 19582, 19582.1, 19175.1, 19818.16, 19819.1,
7 19820, 19822, 19824, 19826, 19827, 19828, 19829, 19830,
8 19831, 19832, 19833, 19834, 19835, 19836, 19837, 19838,
9 19839, 19840, 19841, 19842, 19843, 19844, 19845, 19846,
10 19847, 19848, 19849, 19849.1, 19849.4, 19850.1, 19850.2,
11 19850.3, 19850.4, 19850.5, 19850.6, 19851, 19853, 19854,
12 19856, 19856.1, 19858.1, 19858.2, 19859, 19860, 19861, 19862,
13 19862.1, 19863, 19863.1, 19864, 19866, 19869, 19870, 19871,
14 19871.1, 19872, 19873, 19874, 19875, 19876, 19877, 19877.1,
15 19878, 19879, 19880, 19880.1, 19881, 19882, 19883, 19884,
16 19885, 19887, 19887.1, 19887.2, 19888, 19990, 19991, 19991.1,
17 19991.2, 19991.3, 19991.4, 19991.5, 19991.6, 19991.7, 19992,
18 19992.1, 19992.2, 19992.3, 19992.4, 19993, 19994.1, 19994.2,
19 19994.3, 19994.4, 19995, 19995.1, 19995.2, 19995.3, 19996.1,
20 19996.2, 19998, 19998.1, 20796, 21600, 21602, 21604, 21605,
21 22870, 22871, or 22890 are in conflict with the provisions of a
22 memorandum of understanding, the memorandum of
23 understanding shall be controlling without further legislative
24 action.

25 (4) Notwithstanding paragraph (1), this paragraph shall apply
26 only to state employees in State Bargaining Unit 12 or 13. In any
27 case where the provisions of Section 70031 of the Education
28 Code, or subdivision (i) of Section 3513, or Section 14876,
29 18670, 18714, 19080.5, 19100, 19143, 19261, 19574, 19574.1,
30 19574.2, 19575, 19578, 19582, 19583, 19702, 19818.16,
31 19819.1, 19820, 19822, 19824, 19826, 19827, 19828, 19829,
32 19830, 19831, 19832, 19833, 19834, 19835, 19836, 19837,
33 19838, 19839, 19840, 19841, 19842, 19843, 19844, 19845,
34 19846, 19847, 19848, 19849, 19849.1, 19849.4, 19850.1,
35 19850.2, 19850.3, 19850.4, 19850.5, 19850.6, 19851, 19853,
36 19854, 19856, 19856.1, 19858.1, 19858.2, 19859, 19860, 19861,
37 19862, 19862.1, 19863, 19863.1, 19864, 19866, 19869, 19870,
38 19871, 19871.1, 19872, 19873, 19874, 19875, 19876, 19877,
39 19877.1, 19878, 19879, 19880, 19880.1, 19881, 19882, 19883,
40 19884, 19885, 19887, 19887.1, 19887.2, 19888, 19990, 19991,

1 19991.1, 19991.2, 19991.3, 19991.4, 19991.5, 19991.6, 19991.7,
2 19992, 19992.1, 19992.2, 19992.3, 19992.4, 19993, 19994.1,
3 19994.2, 19994.3, 19994.4, 19995, 19995.1, 19995.2, 19995.3,
4 19996.1, 19996.2, 19998, 19998.1, 20796, 21600, 21602, 21604,
5 21605, 22870, 22871, or 22890 are in conflict with the provisions
6 of a memorandum of understanding, the memorandum of
7 understanding shall be controlling without further legislative
8 action.

9 (b) In any case where the provisions of Section 19997.2,
10 19997.3, 19997.8, 19997.9, 19997.10, 19997.11, 19997.12,
11 19997.13, or 19997.14 are in conflict with the provisions of a
12 memorandum of understanding, the terms of the memorandum of
13 understanding shall be controlling unless the State Personnel
14 Board finds those terms to be inconsistent with merit
15 employment principles as provided for by Article VII of the
16 California Constitution. Where this finding is made, the
17 provisions of the Government Code shall prevail until those
18 affected sections of the memorandum of understanding are
19 renegotiated to resolve the inconsistency. If any provision of the
20 memorandum of understanding requires the expenditure of funds,
21 those provisions of the memorandum of understanding may not
22 become effective unless approved by the Legislature in the
23 annual Budget Act. If any provision of the memorandum of
24 understanding requires legislative action to permit its
25 implementation by amendment of any section not cited above,
26 those provisions of the memorandum of understanding may not
27 become effective unless approved by the Legislature.

28 (c) *Any side letter, appendix, or other addendum to a properly*
29 *modified memorandum of understanding that requires the*
30 *expenditure of funds may not become effective unless approved*
31 *by the Legislature in the annual Budget Act.*

32 SEC. 2. Section 3517.61 of the Government Code is amended
33 to read:

34 3517.61. (a) Notwithstanding Section 3517.6, for state
35 employees in State Bargaining Unit 6, in any case where the
36 provisions of Section 70031 of the Education Code, subdivision
37 (i) of Section 3513, or Section 14876, 18714, 19080.5, 19100,
38 19143, 19261, 19818.16, 19819.1, 19820, 19822, 19824, 19826,
39 19827, 19828, 19829, 19830, 19831, 19832, 19833, 19834,
40 19835, 19836, 19837, 19838, 19839, 19840, 19841, 19842,

1 19843, 19844, 19845, 19846, 19847, 19848, 19849, 19849.1,
 2 19849.4, 19850.1, 19850.2, 19850.3, 19850.4, 19850.5, 19850.6,
 3 19851, 19853, 19854, 19856, 19856.1, 19858.1, 19858.2, 19859,
 4 19860, 19861, 19862, 19862.1, 19863, 19863.1, 19864, 19866,
 5 19869, 19870, 19871, 19871.1, 19872, 19873, 19874, 19875,
 6 19876, 19877, 19877.1, 19878, 19879, 19880, 19880.1, 19881,
 7 19882, 19883, 19884, 19885, 19887, 19887.1, 19887.2, 19888,
 8 19990, 19991, 19991.1, 19991.2, 19991.3, 19991.4, 19991.5,
 9 19991.6, 19991.7, 19992, 19992.1, 19992.2, 19992.3, 19992.4,
 10 19993, 19994.1, 19994.2, 19994.3, 19994.4 19995, 19995.1,
 11 19995.2, 19995.3, 19996.1, 19996.2, 19998, 19998.1, 20796,
 12 21600, 21602, 21604, 21605, 22870, 22871, or 22890 are in
 13 conflict with the provisions of a memorandum of understanding,
 14 the memorandum of understanding shall be controlling without
 15 further legislative action. ~~It~~

16 (b) In any case where the provisions of Section 19997.2,
 17 19997.3, 19997.8, 19997.9, 19997.10, 19997.11, 19997.12,
 18 19997.13, or 19997.14 are in conflict with the provisions of a
 19 memorandum of understanding, the terms of the memorandum of
 20 understanding shall be controlling unless the State Personnel
 21 Board finds those terms to be inconsistent with merit
 22 employment principles as provided for by Article VII of the
 23 California Constitution. Where this finding is made, the
 24 provisions of the Government Code shall prevail until those
 25 affected sections of the memorandum of understanding are
 26 renegotiated to resolve the inconsistency. If any provision of the
 27 memorandum of understanding requires the expenditure of funds,
 28 those provisions of the memorandum of understanding may not
 29 become effective unless approved by the Legislature in the
 30 annual Budget Act. If any provision of the memorandum of
 31 understanding requires legislative action to permit its
 32 implementation by amendment of any section not cited above,
 33 those provisions of the memorandum of understanding may not
 34 become effective unless approved by the Legislature.

35 (c) Any side letter, appendix, or other addendum to a properly
 36 modified memorandum of understanding that requires the
 37 expenditure of funds may not become effective unless approved
 38 by the Legislature in the annual Budget Act.

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